

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Cyril W. Smith and Warren J.	
Smith t/a California Liquors	Fact-
1801 California Street, NW	Finding
Retailer A - ANC-1C	Hearing
License No. 5018	

(License in Safekeeping)

February 12, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

P-R-O-C-E-E-D-I-N-G-S

(9:49 a.m.)

CHAIRPERSON MILLER: Okay. The next case on our calendar is a Fact-Finding Hearing, California Liquors. Is someone here from California Liquors? Okay. Good.

MR. SMITH: Cyril Smith, owner of California Liquors.

CHAIRPERSON MILLER: Okay. Good morning, Mr. Smith.

MR. SMITH: Good morning, good morning.

CHAIRPERSON MILLER: So this is just a, we call it, Fact-Finding hearing. You are not under oath. We are not taking evidence. We just want to find out the status of your establishment with respect to the license in safekeeping. It has been in safekeeping for several years.

MR. SMITH: Yes.

CHAIRPERSON MILLER: And --

MR. SMITH: Renovation starts in

1 May.

2 CHAIRPERSON MILLER: That's what  
3 we are trying to find out today is, yes,  
4 what's happening and what is your projected  
5 date of putting the license back into use, if  
6 that's what you are going to do.

7 MR. SMITH: Renovation starts in  
8 May and I'm hoping that the license can remain  
9 in safekeeping. Construction should end in  
10 mid-2015.

11 CHAIRPERSON MILLER: What are you  
12 doing construction-wise?

13 MR. SMITH: Renovating the entire  
14 building as well as the liquor store from top  
15 to bottom. We spoke about this the last time  
16 I was here, as you can recall. Someone called  
17 me the other day, Dee Dee, and inquired about  
18 the other name on the license.

19 CHAIRPERSON MILLER: Okay. Is  
20 that your brother?

21 MR. SMITH: That's my brother,  
22 yes.

1 CHAIRPERSON MILLER: Right. Okay.

2 All right.

3 MR. SMITH: My brother is a  
4 cardiologist in Baltimore. He is financing  
5 the renovation. We can't start until May,  
6 because he is doing another project on North  
7 Avenue in Baltimore, but as soon as that's  
8 complete, the craftsmen will be here in Adams  
9 Morgan.

10 CHAIRPERSON MILLER: Is this --

11 MR. SMITH: They are very skilled  
12 individuals and they will do a terrific job.

13 CHAIRPERSON MILLER: So the reason  
14 you are starting in May is because you are  
15 waiting for that crew of craftsmen?

16 MR. SMITH: Yes, yes. Once they  
17 complete the project in Baltimore, they will  
18 be here.

19 CHAIRPERSON MILLER: Okay.

20 MR. SMITH: And that should be mid  
21 -- the latter part of May, in four months.

22 CHAIRPERSON MILLER: Okay. So

1 mid-2015 you mean like summer 2015?

2 MR. SMITH: There are enough  
3 incentives in the contract, so they should be  
4 working very diligently, but I'm trying to get  
5 the job done, you know, as expeditiously as  
6 possible, yes.

7 CHAIRPERSON MILLER: Do you have--

8 MR. SMITH: I would say June or  
9 July of 2015, yes.

10 CHAIRPERSON MILLER: Do you have  
11 permits already?

12 MR. SMITH: They are in the  
13 pipeline right now.

14 CHAIRPERSON MILLER: Okay. What  
15 kind of permits did you have to get?

16 MR. SMITH: They are taking care  
17 of all that themselves.

18 CHAIRPERSON MILLER: Okay.

19 MR. SMITH: I failed to bring the  
20 blueprints. I had blueprints, but I'll be  
21 here in six more months, I imagine. I'll show  
22 them to you then.

1 CHAIRPERSON MILLER: Okay. I'm  
2 going to let some other Board Members ask some  
3 questions. Do other Board Members have  
4 questions?

5 MEMBER RODRIGUEZ: I have a couple  
6 questions.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER RODRIGUEZ: I'm not sure,  
9 were you here at our last meeting or was it  
10 your brother?

11 MR. SMITH: I was here.

12 MEMBER RODRIGUEZ: Okay. It was  
13 you?

14 MR. SMITH: Yes.

15 MEMBER RODRIGUEZ: At that time,  
16 you mentioned about the renovation.

17 MR. SMITH: Yes.

18 MEMBER RODRIGUEZ: And you had  
19 estimated 2015?

20 MR. SMITH: Yes.

21 MEMBER RODRIGUEZ: You mentioned  
22 something about the streetscape as an issue.

1 Was that an issue?

2 MR. SMITH: No, it was the  
3 Historic Preservation.

4 MEMBER RODRIGUEZ: Yes. Oh, okay.

5 MR. SMITH: It was Historic  
6 Preservation, yeah.

7 MEMBER RODRIGUEZ: Okay. Because  
8 the streetscape, as you know --

9 MR. SMITH: No, no, no. No, that  
10 had no bearing on anything.

11 MEMBER RODRIGUEZ: Right. I  
12 didn't think so. Okay. But you're asking  
13 that we give you how much more time?

14 MR. SMITH: Until mid-2015.

15 MEMBER RODRIGUEZ: So that is  
16 what, 18 months about?

17 MR. SMITH: Approximately, 18  
18 months. It's going to take that long.

19 MEMBER RODRIGUEZ: And you say you  
20 do have blueprints and plans and things from  
21 DCRA?

22 MR. SMITH: Yes, yes, yes.

1                   MEMBER RODRIGUEZ: You currently  
2                   have that?

3                   MR. SMITH: I don't have them with  
4                   me.

5                   MEMBER RODRIGUEZ: I understand.

6                   MR. SMITH: But I'll provide them  
7                   the next time I come here before the Board.

8                   MEMBER RODRIGUEZ: If we wanted to  
9                   see them sooner, could we see them?

10                  MR. SMITH: Ah, yes. I'll have to  
11                  get over to Baltimore, but, sure. My brother  
12                  can bring them by. It's no problem.

13                  MEMBER RODRIGUEZ: Okay. So if we  
14                  wanted to see them within 30 days, we could  
15                  see them?

16                  MR. SMITH: Ah, that can be  
17                  arranged, yes.

18                  MEMBER RODRIGUEZ: I don't have  
19                  any other questions.

20                  CHAIRPERSON MILLER: Okay.  
21                  Others? Mr. Alberti?

22                  MEMBER ALBERTI: Hi, Mr. Smith.



1       So last time you were here in May, eight  
2       months ago, you gave us the same time line.  
3       16 to 18 months. So what happened between May  
4       and today?

5               MR. SMITH: I am being treated for  
6       prostate cancer. I have been sick the last  
7       seven or eight months, sir.

8               MEMBER ALBERTI: But you just  
9       indicated to us that you have got a brother in  
10      Baltimore sort of handling all of this,  
11      financing and --

12              MR. SMITH: My brother is  
13      practicing medicine in Baltimore, sir.

14              MEMBER ALBERTI: Well, then who --  
15      so what's the project in Baltimore? Who is  
16      handling the project in Baltimore?

17              MR. SMITH: My brother is paying.

18              MEMBER ALBERTI: What is this  
19      project in Baltimore and how does it relate to  
20      this?

21              MR. SMITH: No, no. They are  
22      working. He owns a couple of buildings in

1 Baltimore. They are renovating property of  
2 his in Baltimore. When that is completed,  
3 they are coming here to Adams Morgan to take  
4 care of this project.

5 MEMBER ALBERTI: Okay. So that  
6 says to me that your brother has got some  
7 involvement.

8 MR. SMITH: Yes, he --

9 MEMBER ALBERTI: So you know, I'm  
10 sorry for your illness, but it seems like  
11 there is someone who is involved who could  
12 move this along, which is your brother. I  
13 mean, you told me the same thing in May that  
14 you were ill and that was your excuse in May.

15 MR. SMITH: It wasn't -- it  
16 happened --

17 MEMBER ALBERTI: So my question --

18 MR. SMITH: No, no.

19 MEMBER ALBERTI: -- to you is --

20 MR. SMITH: It's not in the --

21 MEMBER ALBERTI: Well, let me  
22 finish. My question to you is what happened

1       between May and today that has delayed things?

2               MR. SMITH: My brother is very  
3       busy, all right? He is very busy. And I'll  
4       get the blueprints to you. I'm doing the best  
5       I can to move the project along as best I can.

6               MEMBER ALBERTI: Well, you just  
7       told me two minutes ago your brother wasn't  
8       involved. It's you.

9               MR. SMITH: My brother is doing --

10              MEMBER ALBERTI: It's his project  
11       in Baltimore, but now you are telling me he is  
12       really busy. So what is your brother's  
13       involvement?

14              MR. SMITH: My brother has a  
15       proprietary interest and a pecuniary interest  
16       in the real estate here in Adams Morgan.

17              MEMBER ALBERTI: Okay. So he is  
18       involved? Very closely involved.

19              MR. SMITH: Well, financially. He  
20       is also my brother, yes.

21              MEMBER ALBERTI: Okay.

22              MR. SMITH: We are doing this for

1 profit, obviously.

2 MEMBER ALBERTI: Okay.

3 MR. SMITH: We want to renovate  
4 the building.

5 MEMBER ALBERTI: You still haven't  
6 answered my question. What happened between  
7 May and today that delayed things?

8 MR. SMITH: Sir, I have other  
9 things I have to take care of. I have a  
10 mother in a nursing home. Do you want to hear  
11 all of this really?

12 MEMBER ALBERTI: Yeah, yeah, I do,  
13 because --

14 MR. SMITH: My mother --

15 MEMBER ALBERTI: I -- Mr. Smith?

16 MR. SMITH: -- is at Brook Grove  
17 Rehab. Okay?

18 MEMBER ALBERTI: Mr. Smith?

19 MR. SMITH: Out in Olney,  
20 Maryland.

21 MEMBER ALBERTI: Mr. Smith, what  
22 guarantees do I have between now and six

1 months from today you won't come in and give  
2 me the same I'm busy, I've got personal  
3 problems, I can't move things along? You  
4 know, you are not the only one with those  
5 sorts of problems.

6 All right. And you tell me that  
7 you have a brother who has an interest who can  
8 help move things along. And so you don't  
9 really have a reason why. You don't -- what  
10 I'm hearing today is you don't have a reason  
11 why there was this delay from May to today and  
12 things haven't really moved along. Is that  
13 correct?

14 MR. SMITH: If you're making that  
15 assertion, I'll agree.

16 MEMBER ALBERTI: I would like to  
17 see the plans to us within 30 days.

18 MR. SMITH: Fine.

19 MEMBER ALBERTI: And you told us  
20 back in May that you were planning on selling  
21 this and getting out of the business. Is that  
22 still your plan or is --

1 MR. SMITH: Yes, it is.

2 MEMBER ALBERTI: It is? Okay.

3 That still remains your plan. All right.

4 Thank you very much.

5 MR. SMITH: All right.

6 CHAIRPERSON MILLER: I just want  
7 to clarify something before I move to others.  
8 The blueprints, were they done between the  
9 last hearing and this hearing? Is that  
10 something new that was done?

11 MR. SMITH: They are about just  
12 three months old.

13 CHAIRPERSON MILLER: Okay. But  
14 since we last saw you, you didn't have  
15 blueprints then?

16 MR. SMITH: And revamped, revised  
17 and so forth and so on, yes.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: I have one other  
20 comment when you are done.

21 CHAIRPERSON MILLER: Okay. All  
22 right. Yeah, go ahead.

1                   MEMBER ALBERTI: Mr. Smith, this  
2                   is only my opinion, not the opinion of the  
3                   Board. I can only speak for myself. But in  
4                   six months, if I don't see some progress, I  
5                   will be recommending to the Board that we  
6                   cancel this license, because I'm not hearing  
7                   any progress. I'm not hearing any concrete  
8                   answers as to why we are not seeing any  
9                   progress.

10                  I mean, I think we have given you  
11                  eight months.

12                  MR. SMITH: Six months is fine.

13                  MEMBER ALBERTI: Okay. Thank you.

14                  CHAIRPERSON MILLER: Well, let's  
15                  be kind of clear as to what kind of progress  
16                  we would like him to show within six months,  
17                  so that we are on the same page. Within 30  
18                  days, Mr. Smith, you are going to submit the  
19                  blueprints?

20                  MR. SMITH: Blueprints, yes.

21                  CHAIRPERSON MILLER: Okay. What  
22                  other progress?

1                   MEMBER ALBERTI: I mean, this  
2                   project was supposed to be done in 18 months,  
3                   it would be -- I don't know the size of the  
4                   project, so I can't really -- but it sounds to  
5                   me that for something that has blueprints and  
6                   it's going to take that long, it's a large  
7                   project. So I would imagine that we would  
8                   have to -- we have the expectation that the  
9                   permits would have been issued, so work could  
10                  start in six months.

11                 CHAIRPERSON MILLER: Okay.

12                 MEMBER ALBERTI: The appropriate  
13                 permits with DCRA would have been issued, so  
14                 that work could start. And you know, it would  
15                 take -- it would give you a year to complete  
16                 the project, seems reasonable to me --

17                 CHAIRPERSON MILLER: Okay.

18                 MEMBER ALBERTI: -- from what I  
19                 understand about how construction works. I'm  
20                 assuming, thinking about the size of the  
21                 project given the time line, that Mr. Smith  
22                 has told us, I may be wrong, but I would



1 expect to see permits within six months.

2 CHAIRPERSON MILLER: Right. Okay.  
3 That is the other thing. You did say, Mr.  
4 Smith, that the permits were in the pipeline  
5 anyway.

6 MR. SMITH: As far as I know, the  
7 permits have been applied for, yes.

8 CHAIRPERSON MILLER: Okay. So  
9 what Mr. Alberti is saying is we need to just  
10 see proof of progress in this case, otherwise,  
11 your license is at risk. Okay. So --

12 MR. SMITH: Fair enough.

13 CHAIRPERSON MILLER: -- the first  
14 thing we talked about was blueprints within 30  
15 days. The second thing we are talking about  
16 are permits, to show us that you have received  
17 the permits.

18 MR. SMITH: Fine.

19 CHAIRPERSON MILLER: Is there a  
20 contract for the crew?

21 MR. SMITH: Pardon?

22 CHAIRPERSON MILLER: Is there a

1 contract for the crew that is going to be  
2 doing the work?

3 MR. SMITH: Yes. My brother is  
4 handling that in Baltimore, yes.

5 CHAIRPERSON MILLER: I mean, is  
6 there a formal contract you could show us as  
7 well?

8 MR. SMITH: I have yet to see it.

9 CHAIRPERSON MILLER: Okay. Within  
10 six months, I mean?

11 MR. SMITH: Yes.

12 CHAIRPERSON MILLER: What I'm  
13 saying is --

14 MR. SMITH: All the documentation  
15 I'll bring here.

16 CHAIRPERSON MILLER: All right.  
17 Everything you can, those three things. The  
18 blueprints within 30 days and then the --

19 MR. SMITH: You have my word.

20 CHAIRPERSON MILLER: Okay.

21 MR. SMITH: You have my word.

22 CHAIRPERSON MILLER: All right. I

1 just don't want you to misunderstand and then,  
2 you know, come here in six months and say I  
3 didn't understand.

4 Okay. So --

5 MR. SMITH: I understand  
6 perfectly.

7 CHAIRPERSON MILLER: Okay. All  
8 right. Then we will look forward to the  
9 blueprints --

10 MR. SMITH: Fair enough.

11 CHAIRPERSON MILLER: -- in 30  
12 days. And then within six months we will see  
13 your permits and contracts.

14 MR. SMITH: Wonderful.

15 CHAIRPERSON MILLER: Okay.

16 MR. SMITH: All right.

17 CHAIRPERSON MILLER: And all  
18 right. Anything else? Any questions? All  
19 right. Well, good luck with that then.

20 MR. SMITH: Okay.

21 CHAIRPERSON MILLER: Thank you.

22 MR. SMITH: Mr. Alberti, Mr.

1       Rodriguez.

2                   MEMBER ALBERTI:   Mr. Smith.

3                   (Whereupon, the Fact-Finding  
4       Hearing in the above-entitled matter was  
5       concluded at 10:01 a.m.)

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